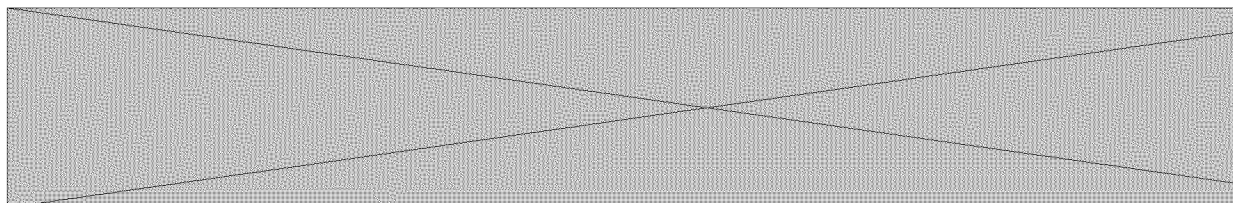


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TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: FRIDAY, MARCH 25, 2016 7:00 AM EDT

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Administrator

Continuing Coverage: McCarthy Reiterates Support To States That Want To Plan For CPP Compliance.

[E&E Publishing](#) (3/24) reports, in continuing coverage, that House Republicans grilled Administrator McCarthy at a hearing this week for "encouraging states to keep working" on Clean Power Plan compliance despite the temporary stay granted by the Supreme Court. While Senate Majority Leader McConnell has revitalized his call for states to take a "wait-and-see" approach, some supporters of the plan "believe judges could adhere to most of the agency's original timeline and require emissions cuts starting in 2022." In the midst of uncertainty, "EPA argues it's premature to say whether deadlines might change, so states are left reading the tea leaves to brace for any legal outcome." In the meantime, McCarthy continues to reiterate her support for any state that wishes to continue planning for the federal climate regulations.

Continuing Coverage: Rep. Jenkins Grills EPA Chief Over Struggling Coal County.

The [Logan \(WV\) Banner](#) (3/25, Banner) reports, in continuing coverage, on the "harsh words" Rep. Evan Jenkins (R-WV) had for Administrator McCarthy during Tuesday's budget hearing.

[Mining Engineering](#) (3/25) also reports that lawmakers from West Virginia, Kentucky, and Utah "used a hearing on the U.S. Environmental Protection Agency's (EPA) budget to unload their frustrations on the agency chief."

Editorial Blasts EPA Chief For Failing To Visit West Virginia. An editorial in the [Charleston \(WV\) Gazette-Mail](#) (3/24) criticizes Administrator McCarthy for failing to give an "honest response" when asked by Jenkins whether she had ever visited West Virginia in her official role as the head of the EPA. The editorial blasts McCarthy for visiting Boston, San Francisco, and even China, but failing to visit "any location in West Virginia when the agency launched a national 11-city 'listening tour' to hear from citizens about regulating carbon dioxide as a greenhouse gas."

Air

District Court Judge Grants VW Extension To Fix Diesel Vehicles.

The Wall Street Journal (3/24, Randazzo) reports US District Court Judge Charles Breyer granted Volkswagen an extension to develop a fix for its nearly 600,000 vehicles that the company admitted were equipped with software that allowed it to defeat emissions tests. Judge Breyer stated that the company must provide a “specific and detailed” proposal by April 21. A Volkswagen spokesperson stated that the company “is committed to resolving the US regulatory investigation into the diesel emissions matter as quickly as possible and to implementing a solution for affected vehicles.”

The New York Times (3/25, Ewing) reports that some questions doubt whether Volkswagen’s noncompliant vehicles could be made street-legal for a reasonable price. Bob Lutz, a former vice chairman of General Motors “said he had long badgered his engineers to match Volkswagen’s apparent diesel efficiency, and now understands why they never could.” and The Hill (3/24, Cama) also provide coverage.

The AP (3/24, Thanawala) reports Breyer said Thursday that “Volkswagen and government regulators must present a detailed plan within a month on getting nearly 600,000 diesel cars to comply with clean air laws or risk the possibility of a trial this summer” over the emissions cheating scandal. Breyer said ex-FBI Director Robert Mueller, who he appointed to oversee settlement talks, “told him Volkswagen, government regulators and attorneys for car owners had made substantial progress toward a resolution that would get the polluting cars off the road.”

The Sacramento (CA) Bee (3/24, Kasler) reports Volkswagen missed Breyer’s “deadline Thursday for submitting a fix for its polluting diesel passenger cars, but the judge said he’s encouraged and gave the carmaker another month to work on the problem.” The Washington Post, (3/24) the Los Angeles Times (3/24, Peltz), the Denver Post (3/24, Thanawala), Bloomberg News (3/24, Burnson), and The Hill (3/24, Cama) also provide coverage.

EPA Says Diesel Emissions Reduction Program Has “Greatly Improved” Air Quality.

The Daily Caller (3/24, Barton) reports the EPA said Wednesday that its “diesel emissions reductions program has ‘greatly improved’ air quality and public health, although such claims were previously judged unreliable by the agency’s inspector general.” The EPA said the Diesel Emission Reduction Act “prevented 4.8 million tons of carbon dioxide emissions and saved up to \$12.6 billion in monetized health benefits.” Commercial Carrier Journal (3/24) reports the program “has also saved 450 million gallons of fuel and prevented 4.8 million tons of carbon dioxide (CO2) emissions – equivalent to the annual CO2 emissions from more than 900,000 cars.”

EPA Plans Stricter Rules On Methane Emissions From New Wells.

The Midland (TX) Reporter-Telegram (3/24, McEwen) reports the EPA has expanded its plans “to cut methane emissions from newly drilled oil and natural gas wells.” Earlier this month, the EPA said “new rules are planned to cut methane emissions” from the wells. While methane emissions from natural gas systems fell 11% in the decade ended 2014 even with a 25% increase in natural gas production, the EPA says more must be done to meet the goal “of cutting methane emissions by at least 40 percent by 2025.”

EPA: 11 States Failed To Submit Sulfur Dioxide Reduction Plans.

MLive (MI) (3/24, Ellison) reports the EPA said last week that “Michigan and 10 other states failed to submit a plan to bring levels of sulfur dioxide (SO2) gas under a new federal threshold passed five years ago.” Lynn Fiedler of the Michigan Department of Environmental Quality said, “The

pieces are in place, it just takes a little bit longer to put something this complicated together.”

EPA, Others To Investigate Post-Gas Leak Illnesses In Los Angeles Neighborhood.

KABC-TV Los Angeles (3/24, Hernandez) reports on its website that several residents of Los Angeles’ Porter Ranch neighborhood “are living in limbo as some who have returned to their homes after the gas leak said they’re getting sick again.” The EPA “along with UCLA and local public health teams joined forces” to investigate. While the gas leak at Southern California Gas Company’s Aliso Canyon facility “has been capped and outdoor benzene levels are reportedly back to normal, reports of illness persist.”

Port Of Los Angeles Paid For Clean Power Systems For Chinese Ships.

The AP (3/24) reports the Port of Los Angeles “paid \$5 million to outfit 17 oceangoing ships with a clean power system, then didn’t get the expected air quality benefits” when China Shipping stopped docking its cargo vessels in Los Angeles. Port officials “quietly agreed in 2009 to let China Shipping ignore a mandate that all ships plug into power supplied from shore instead of running their engines.”

Additional Reading.

- **Colorado Lawmakers Move To Shut State Air Quality Division.** Denver Post. (3/24, Finley, Frank)

Brownfields/Superfund/Other Cleanups

Radioactive Material At West Lake Landfill Found In Unexpected Locations, EPA Says.

The AP (3/24) reports that EPA officials said Thursday that radioactive material buried at the West Lake Landfill in Bridgeton, Missouri near St. Louis has been found in areas where it was previously not suspected, but there is no increased health risk to residents or workers. The EPA “released the first phase report of an investigation” of the site where “nuclear waste dating to the Manhattan Project was illegally dumped in the 1970s.” Adding to the concern is the “fact that an underground fire is smoldering” at the adjacent Bridgeton Landfill. The EPA’s investigation found “radiologically impacted material” in “areas of the landfill not identified during previous site investigations,” but not present in areas previously presumed to contain it, the agency said.

The St. Louis Post-Dispatch (3/25, Baker) reports that the EPA “says it has completely mapped the extent of radioactive contamination at the West Lake Landfill,” and is now working on plans for a barrier to separate West Lake from an underground fire at the adjacent Bridgeton Landfill. Despite the fact that radiological contamination was discovered beyond the chain-link fence surrounding the West Lake Landfill, EPA official Brad Vann said that the “there’s still no significant health risk posed by the radioactive waste.” Meanwhile, Missouri Attorney General Chris Koster released a statement reading, “Today’s report confirms that EPA has never had a clear picture of the extent of contamination at the West Lake landfill, and it is deeply concerning that it took EPA so long to figure that out.” KMOX-TV St. Louis (3/24) also provides coverage on its website.

EPA Releases One-Year Monitoring Plan Related To Gold King Mine Spill.

The Durango (CO) Herald (3/24, McBride) reports that in the wake of the Gold King Mine spill, the EPA released a “one-year water-monitoring plan” to examine water and sediment quality, as well

as biological communities in the Animas River. This spring will be the “first snowmelt season in the Animas and San Juan watershed since the spill,” so the monitoring will focus on the possibility of increasing heavy metal concentrations. After one year of monitoring, the EPA will assess the data, “consult with partners and decide what further monitoring or other actions are needed.”

The AP (3/24, Elliott) reports that “more than two dozen state, tribal and local agencies said they will monitor the Animas and San Juan rivers” in case runoff from melting snow stirs up potentially toxic metals that settled to the bottom of the rivers following the Gold King Mine spill. Additionally, “cities, counties, health departments and water districts along the rivers” are preparing for possible flooding or other emergencies.

Colorado Lawmakers Pushing For Legislation To Address Leaking, Inactive Mines.

The Denver Post (3/24, Finley) reports that Democratic lawmakers in Colorado and other western states are pushing to advance “stalled legislation to deal with the tens of thousands of inactive mines contaminating waterways.” The EPA estimates that there are up to 500,000 inactive mines in Western states, and that “tens of thousands are leaking, contaminating water with acidic, metals-laced drainage from mines.” Meanwhile, the EPA said it “will consider proposing a Superfund cleanup” for areas impacted by the Gold King Mine spill.

Climate Change

Study: Most Meteorologists Believe Climate Change Is Human-Caused.

The Washington Post (3/24, Samenow) reports that according to a January survey from George Mason University released Thursday, “more than 95 percent of meteorologists think climate change is happening and more than 80 percent of them estimate human activities are at least half-responsible.” Meteorologists who participated in the survey “held diverse views about how effective mitigation efforts...would be in reducing future climate change,” with only 18% feeling that additional climate change is largely preventable over the next 50 years. The Hill (3/24, Henry) reports that the survey “noted that most of its respondents have meteorological or astronomical degrees and not climate science backgrounds” with only 37% of respondents reporting that they considering themselves experts on climate science.

Revkin: Humanity Challenged To Distinguish Between Momentary, Millennial Threats.

Andrew Revkin writes for the “Dot Earth” blog of the New York Times (3/24) that “the biggest challenge is grappling with divergent scales.” Revkin compares the “year-to-year scale at which humans make policy decisions” and the “multi-millennial consequences of today’s energy choices.” Revkin highlights a column by Nick Kristof which observes that “Brussels survived this week’s terror attacks, but it may not survive climate change.” Revkin writes that “our brains are not well adapted to most of the biggest threats we actually face in the 21st century.”

Deutch, Curbelo: Climate Solutions Caucus Aims To Advance Bipartisanship On Climate.

Reps. Ted Deutch (D-FL) and Carlos Curbelo (R-FL) write for The Hill (3/24) that “across the country, the challenges posed by warming temperatures, storm surge, and severe flooding represent mere previews of the consequences to come due to climate change.” The time to debate “whether climate change threatens our economy and our security has long past,” they write, highlighting their decision to establish the House Climate Solutions Caucus. The “absence of congressional leadership” has led President Obama to take executive regulatory actions “that not only intensify partisanship but may not prevail in court.” They write that their Climate Solutions Caucus is a step toward “restoring dialogue and addressing climate change in a bipartisan way.”

Cato's Knappenberger: US Should Not Sign Climate Deal It Cannot Meet.

Paul Knappenberger, assistant director of the Center for the Study of Science at the Cato Institute, writes for The Hill (3/24) that the targets set in the Paris climate accord are “infeasible if not downright impossible” and President Obama should “revise, or better yet, rescind [the] promise” to slash US greenhouse gas emissions by 26%-28% by 2025. “Putting our name on a promise that we know we can’t keep would be a disingenuous act,” Knappenberger writes, adding that the EPA has been underestimating US methane emissions and that Clean Power Plan “stretched elements of the Clean Air Act to the point of breaking.”

Former Energy Official Touts Carbon Capture, Utilization, And Storage.

Former Assistant Secretary of Energy Charles McConnell writes in a column in the “Pundits Blog” of The Hill (3/24) that “clean coal technology does exist and it is possible.” Instead of arguing over using coal or quitting coal, McConnell argues we should be seeking to address its emissions. Asserting “quitting coal is not an option for today or the foreseeable future,” he touts carbon capture, utilization, and storage, taking the Administration to task for decreasing funding for it.

Energy

NREL Study: US Has 80% More Rooftop Solar Potential Than Previously Estimated.

E&E News PM (3/24) reports that according to a new analysis by the National Renewable Energy Laboratory, “US rooftops could generate 80 percent more energy from solar panels than previously thought.” Researchers found rooftop solar holds the potential to generate 1,432 terawatt-hours of energy annually, up from the estimated 800 terawatt-hours in 2008. NREL analyst and lead author of the report Pieter Gagnon, said an accurate estimate of the “technical potential” of rooftop solar provides a critical baseline for regional and city planning. “Armed with this new data, municipalities, utilities, solar energy researchers and others will have a much-improved starting point for PV research and policymaking.”

Mooney: Community Solar Seen As Untapped 30-Gigawatt Middle Market.

Chris Mooney writes for the Washington Post (3/24) that solar has been growing “extremely fast” at the large utility scale and small distributed rooftop scale, but analysts are increasingly saying that shared solar, or community solar, is “a middle-range market whose large potential is just becoming clear.” As of 2015, “only a tiny sliver of all solar capacity in the US fit into this category,” but according to a new report by the Rocky Mountain Institute, the potential for community solar to expand is “vast” at up to 30 gigawatts at the extreme upper cap.

Other

California EPA Says Chemical Warning Could Discourage Poor Communities From Canned Food.

The AP (3/25, Knickmeyer) reports that the California Environmental Protection Agency has decided not to place warning labels on metal cans lined with the chemical BPA, “arguing too-specific warnings could scare stores and shoppers in poor neighborhoods away from some of the only fruits and vegetables available – canned ones.”

Pesticides

Hartsfield-Jackson Airport Stocks Up On EPA-Approved Mosquito Repellent In Fight Against Zika.

The Atlanta Journal-Constitution (3/24) reports that Atlanta's Hartsfield-Jackson International airport and state health department officials have asked the airport's concessionaires to begin stocking "Environmental Protection Agency-approved insect repellent" to help prevent the spread of the Zika virus.

Federal Program To Support Public Health Pesticides Remains Unfunded.

Bloomberg BNA (3/25) explains the complicated situation in which the EPA effectively ordered a mosquito-killing insecticide that could help combat the spread of the Zika virus "to be pulled from shelves." Because there is "little to no economic incentive for private companies to keep making" certain products, there exists a federal program that provides funding to companies that makes "public health pesticides" with little revenue-generating potential to conduct the EPA-mandated toxicity studies needed to keep these chemicals on the market." However, the lawmakers that created the program "never followed through and allocated funding to it."

Rules/Regulations/Policy

Judge Dismisses Challenge To EPA's Decision Regarding Emissions At Navajo Power Plant.

Courthouse News (3/24) reports, "A federal judge dismissed Arizona tribal conservation groups' challenge of the Environmental Protection Agency's decision to delay emissions reductions standards" at the 2,250-megawatt power station on the Navajo Indian Reservation. The contention resulted from an EPA rule published in 2013 which required the Navajo power plant to reduce emissions, but which was never implemented because a Technical Working Group – working with the EPA – created an alternative to the rule. US District Judge Vince Chhabria dismissed the complaint from the environmental groups, writing that instead the Ninth Circuit Court of Appeals should hear the claim.

Environmental Groups Petition EPA To Reexamine Aquifer Exemption Process.

The Bakersfield (CA) Californian (3/24, Cox) reports that a coalition of environmental groups have petitioned the US Environmental Protection Agency to "halt or change its process for exempting aquifers from Safe Drinking Water Act protections," arguing that the aquifer exemption process "needs to be updated to reflect improved water purification and drilling technology, as well as current drought conditions in the West." If successful, the petition "could place more areas off-limits to oil field waste injections and...cyclic steaming," which would have "a big impact on California, especially Kern [County]." Rock Zierman, CEO of the California Independent Petroleum Association said that wastewater injections are the most environmentally favorable method of disposing of produced water.

Toxics/TSCA

Additional Reading.

- **District Says It Has Gone "Far Beyond The EPA Requirements" For PCB Sampling.**
Malibu (CA) Times. (3/25, Sawicki)

Water

NYTIMES: Task Force On Flint Cites Racism, Agency Failures.

An editorial in the New York Times (3/25, Board) says that the latest report on the tragedy in Flint “makes clear the principle cause of the water crisis...the state government’s blatant disregard for the lives and health of poor and black residents of a distressed city.” The five-member task force that authored the report identifies the Michigan Department of Environmental Quality as “the agency most at fault” for various failures, and also for “ly[ing] to the EPA, telling it that Flint was properly treating the water.” Although congressional Republicans have “sought to pin virtually all of the blame on the Environmental Protection Agency, which many of them oppose for ideological reasons,” the Times concludes that the EPA’s biggest mistake was that it did not intervene forcefully enough “until it issued an emergency order in January, even though some of its employees began raising concerns about Flint’s water early last year.”

North Carolina DEQ Urges Federal Government To Shorten Lead Contamination Notification Period.

The Charlotte (NC) Observer (3/25, Henderson) reports that in the wake of the Flint water crisis, North Carolina officials have filed a petition with the EPA “urg[ing] the federal government Thursday to adopt the state’s standard for notifying consumers of lead or copper contamination.” The North Carolina requires notifications within 48 hours in cases for contaminants in tap water, whereas the federal standard allows for up to 30 days for the notification period.

Michigan Terminates Flint-Related PR Contract.

The Hill (3/24, Wilson) reports that the “controversial public relations contract” between PR firm Mercury and the state of Michigan has ended. Gov. Rick Snyder “came under fire for hiring the high-powered firm to help deal with the fallout from the water contamination crisis in Flint.” A Snyder spokesman “confirmed the termination of the contract but declined to give information about how much it was worth.” Meanwhile, the Detroit Free Press (3/24) reports that the latest emails released from Snyder’s office “include playfully written messages about the quality of Flint’s drinking water and the challenge of confronting the issue.”

No Federal Consensus On Flint Yet. Roll Call (3/24) reports that after “two months, three oversight hearings and four congressional delegation visits to Flint...no solution and no agreement on the proper level of federal intervention have materialized. But a damning report released Wednesday in Michigan finds plenty of blame at all levels of government,” including the EPA. The Daily Caller (3/24, Bastasch) says the report “slams” the EPA, “claiming the agency was unlikely to enforce clean drinking water regulations in Flint in the absence of ‘widespread public outrage.’”

Gary Wilson writes in his Great Lakes (MI) Echo (3/24) column that McCarthy “had three prongs to her testimony; blame Michigan, deny any EPA responsibility and repeat. She said EPA was ‘strong-armed and misled’ by Michigan and ‘we couldn’t do our jobs effectively.’ ... McCarthy’s testimony set the bar low. Then she tripped over it.” Wilson writes that “unlike McCarthy,” Snyder “was contrite and accepted responsibility.”

The Guardian (UK) (3/24, Felton) has a feature on the impact of the Flint crisis on children.

New York City Education Department Tells Parents That School Water Is Lead-Free.

The New York Daily News (3/24, Chapman) reports New York City Education Department officials

“sent letters home with the city’s 1.1 million public school kids Wednesday to tell families their schools’ drinking water is lead-free.” The letter “invited parents to visit an online database to find the latest water-testing results for any city school.”

Boston Schools Vow To Step Up Lead Testing.

The Boston Globe (3/24, Rocheleau) reports Boston Public Schools officials say they will “step up testing for hazardous lead contamination at the system’s 37 buildings that still use tap water for drinking, including about two dozen where the water hasn’t been tested for at least six years.” More than two-thirds of city school buildings are currently “using bottled water because of concerns about lead.”

Low Levels Of PFOA Found In Vermont Town’s Water.

The AP (3/24) reports low levels of perfluorooctanoic acid have been found in the Pownal, Vermont public water supply. The “potentially cancer-causing chemical...has been found in about 100 private wells in neighboring Bennington.”

Louisiana Town’s Tap Water Will Not Be Drinkable For At Least Two To Three Days.

The AP (3/24) reports Louisiana State Health Officer Jimmy Guidry “says it will be at least two to three days before residents of Donaldsonville can begin drinking their tap water again.” Residents of the town “were advised not to drink the water this week after an inspection showed the possibility that it contained levels of chlorine dioxide surpassing federal environmental guidelines.”

Additional Reading.

- What Happens If US Ignores Water Issues? CNBC. (3/24)

Last Laughs

Late Night Humor.

Jimmy Kimmel: Hillary Clinton and Bernie Sanders are “an interesting pair because they’re still competing with each other, but eventually we know they’re going to team up to stop the deranged billionaire who wants to take over the world, which, if you think about it, is basically the plot to ‘Batman v. Superman.’”

Jimmy Kimmel: “According to a new Bloomberg poll, Clinton leads [Donald] Trump in a hypothetical match-up 54%-36%. And this is interesting: 68% of likely general election voters, according to this poll, view Donald Trump negatively. And the other 32% don’t have Twitter or television.”

Jimmy Fallon: “The State Department is having to hire more staffers to review all of the requests that are being filed for Hillary Clinton’s emails. Or as Hillary put it, ‘See, I’m creating jobs already.’”

Jimmy Fallon: “Here’s some good news for Hillary Clinton: Yesterday she received the endorsement of ‘Rolling Stone’ magazine. While Bernie Sanders received the endorsement of ‘Kidney Stone’ magazine.”

Jimmy Fallon: “Hillary also targeted Donald Trump’s recent comments on foreign policy, saying if Trump gets his way, it will be like Christmas for Russia. Then Russians were like, ‘So, we all get potato in sock?’”

Jimmy Fallon: “Hillary Clinton said that if Donald Trump becomes president, it will be like Christmas in the Kremlin. Christmas in the Kremlin, which actually sounds like an amazing holiday movie starring Vladimir Putin.”

Seth Meyers: “People on Wall Street are worried about the negative effects of a Donald Trump presidency. Also worried: people on every street.”

Seth Meyers: “Dr. Ben Carson appeared on ‘The View’ this morning. And when asked afterwards what he thought of ‘The View,’ he said, ‘Blurry.’”

Seth Meyers: “A new poll shows that 55% of voters say Hillary Clinton is more presidential than Donald Trump. I think in terms of who’s most presidential it goes by this – Barack Obama, Hillary Clinton, John Kasich, everybody else in the world, Donald Trump, and Turtle from ‘Entourage.’”

Seth Meyers: “Last night, former New York City Mayor Rudy Giuliani said Hillary Clinton could be considered a founding member of ISIS. That’s ridiculous – ISIS doesn’t hire women.”

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